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July 10, 2020

Via Email<sup>1</sup>

The Honorable Sarah Netburn  
United States Magistrate Judge  
Thurgood Marshall Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *Rich v. Fox News Network LLC et al.*, No. 18-cv-2223

Dear Judge Netburn:

Plaintiffs write regarding defendant Ed Butowsky's pending motion to dismiss for lack of personal jurisdiction (Dkt. 52). As set forth in our responsive brief (Dkt. 56), and post-submission letters informing the Court of additional evidence supporting jurisdiction (Dkt. 111 and May 6, 2020 letter filed under seal), the motion should be denied. Plaintiffs have located additional evidence that confirms this Court's jurisdiction over Mr. Butowsky. *See Faulkner v. Beer*, 463 F.3d 130, 134 (2d Cir. 2006) (the Court is "plainly entitled to look outside the pleadings" in deciding jurisdiction).

Fox produced



<sup>1</sup> Plaintiffs file this letter under seal pursuant to the Court's Rule I.A because Exhibits A-C are designated confidential by Fox News or Ed Butowsky.

June 12, 2020

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In addition, Plaintiffs have located additional evidence produced by Mr. Butowsky showing that he traveled to New York on multiple occasions shortly after the publication of the Zimmerman Article to promote the narrative about Seth Rich and bolster the Zimmerman Article:

From: <ebutowsky@gmail.com>

Sun, May 21, 2017 at 8:57 PM CDT (GMT-05:00)

To: Soledad O'Brien <soledad@starfishmediagroup.com>

Do you want to meet in New York on Tuesday? I have and know everything but don't tell anyone

> On May 21, 2017, at 7:51 PM, Soledad O'Brien <soledad@starfishmediagroup.com> wrote:

>

> Want to ask you about the Seth Rich case. Been seeing your name in stories about it. Can you discuss?

>

> Sent from Soledad O'Brien

> Starfish Media Group

See Exhibit B (Butowsky0001497).

From: <ebutowsky@gmail.com>

Mon, Jun 26, 2017 at 6:49 AM CDT (GMT-05:00)

To: Ken LaCorte <kenlacorte@gmail.com>

Exactly but what is relevant and important about this is that his assertion that Malia assigned a quote to him that he never said. This is one reason why Fox pulled the story. This audio proves he said it. (I believe / I think are synonymous.)

\*\*\*\* he now says that the quote in controversy came from me and that Fox, Malia and I set him up

Do you have the Fox 5 link you referenced? I am on plane to NYC right now.

See Exhibit C (Butowsky0001600).

Plaintiffs respectfully submit that Mr. Butowsky's motion should be denied.

Respectfully,

Elisha Barron

*Counsel for Joel & Mary Rich*

# EXHIBIT A

FILED UNDER SEAL

## EXHIBIT B

## Re: Hey it's Soledad

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From: <ebutowsky@gmail.com>

Sun, May 21, 2017 at 8:57 PM CDT (GMT-05:00)

To: Soledad O'Brien <soledad@starfishmediagroup.com>

---

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> Want to ask you about the Seth Rich case. Been seeing your name in stories about it. Can you discuss?

>

> Sent from Soledad O'Brien

> Starfish Media Group

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## EXHIBIT C

**Re: Hmmm**

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**From:** <ebutowsky@gmail.com>

Mon, Jun 26, 2017 at 6:49 AM CDT (GMT-05:00)

**To:** Ken LaCorte <kenlacorte@gmail.com>

---

Exactly but what is relevant and important about this is that his assertion that Malia assigned a quote to him that he never said. This is one reason why Fox pulled the story. This audio proves he said it. (I believe / I think are synonymous.)

\*\*\*\* he now says that the quote in controversy came from me and that Fox ,Malia and I set him up

Do you have the Fox 5 link you referenced? I am on plane to NYC right now.

On Jun 26, 2017, at 6:34 AM, Ken LaCorte <kenlacorte@gmail.com> wrote:

This one was "I think" but the Fox 5 interview was even stronger. There he said that *his* FBI sources said that info.

On Jun 26, 2017, at 4:32 AM, ebutowsky@gmail.com wrote:

Wonder if this went viral what it would do to the lawsuit that I was told from their attorney was coming this week against fox , Malia and ME

On Jun 26, 2017, at 6:20 AM, Ken LaCorte <kenlacorte@gmail.com> wrote:

He's officially a guy running around blabbing anything that will make him look less like a fool.

On Jun 26, 2017, at 4:11 AM, ebutowsky@gmail.com wrote:

<https://www.youtube.com/watch?v=xJVfbxbFRW4&sns=em>

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